

BOARD OF CODE STANDARDS AND APPEALS MINUTES

February 1, 2010

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Crotts, Harder, Hartwell, Hentzen, Murabito, Willenberg

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Darlene Hultman, Richard Meier, Paul Hays, Rick Stubbs, Elaine Hammons (Central Inspection); Jeff VanZandt (Law Department); Fire Marshal Brad Crisp (Wichita Fire Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, February 1, 2010, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the January 11, 2010, minutes.

Board Member Hartwell made a motion to approve the January 11, 2010, minutes as submitted. Board Member Willenberg seconded the motion. The motion carried. (Board Member Crotts was not present for this vote.)

Approval of the February 2010 license examination applications as follows:

<u>Name</u>	<u>Class</u>	<u>Date</u>
Kelley Doyle	Roofing & Siding	February 2010
Lynn Travis Cunningham	Class D	February 2010
Terry Rotramel	Roofing & Siding	February 2010

Board Member Coonrod made a motion to approve the license examination applicants for testing. Board Member Harder seconded the motion. The motion was approved. (Board Member Crotts was not present for this vote.)

Condemnation Hearings

Review Cases:

1. 935 N. Ohio

The property owner, Lacy Horner, was present.

This one- and one-half story frame dwelling is about 23 x 46 feet in size. Vacant for at least a year, this structure has rotted and missing wood lap siding; badly worn composition roof with missing shingles; rotted and missing wood trim and framing members; deteriorated front and side porches; and the 16 x 20 foot two-story, concrete block and frame accessory structure is dilapidated.

This property was first brought before the Board on May 5, 2009; and again at the August 3, 2009, hearing; and at the November 2, 2009, hearing. At the November hearing, Mr. Horner requested an additional ninety days be granted for the repairs to be completed and to allow him time to pay the delinquent taxes. On January 21, 2010, OCI received information from Sedgwick County that a partial payment was made on the 2007 taxes; however, the remainder of the 2007 taxes, the 2008 taxes, and the 2009 taxes remained delinquent in the amount of \$965.56, including specials and interest. There is a 2009 Special Assessment against the property for weed mowing in the amount of \$124.45. The premise condition is fair, with some construction debris on site. The roof has been completed; however, the permit has expired without final inspection. No other repairs have been made to the property.

Chairman Hentzen asked Mr. Horner to apprise the Board of his plans for the property. Mr. Horner said he intended to continue working on the property and to complete the repairs. He explained that he had suffered an injury shortly after his last appearance before the Board and had been unable to work on the property for several weeks. Mr. Horner said that he had been making payments on the delinquent taxes and had the receipts with him as proof. The completion of the work, Mr. Horner said, was taking time because he was the only one working on and financing the repairs. With the recent bad weather and his personal injury, he had been delayed even more. Mr. Horner told the Board that he had purchased the materials necessary to finish the repairs, and had been steadily working on the structure.

Board Member Murabito made a motion to allow ninety days for the completion of the work, and for the debris to be removed from the premise.

Mr. Horner said all debris had been removed from the site.

Board Member Harder seconded the motion, adding the conditions that Mr. Horner take the necessary steps to have his permit reopened and an inspection made on the roof; and to continue to pay on the delinquent taxes. The motion was approved.

Unfit for Habitation Cases:

1. 1623 N. Arkansas

There was no representative for this property in attendance.

This property was brought before the Board as an unfit for habitation case in 2008. The deceased owner's son, who occupied the property, made enough improvement on the premise to have it removed from unfit for habitation status. There has been an active housing case on this property since 1998; and numerous violations notices have been issued on this property. In January of 2010, the Wichita Police Department conducted a drug bust, taking several pictures of the interior and exterior condition of the property, which was worse than when the property was declared unfit for habitation in 2008. The 2006, 2007, 2008, and 2009 taxes are delinquent in the amount of \$3,088.75. There are inoperable vehicles, salvage material, and debris on the premise. Mr. VanZandt added that there are about five or six people occupying the structure, no utilities, and standing sewage.

Mr. Schroeder reviewed the minimum requirements of the Housing Code, Section 20.04.180(3) (b), regarding the designation of unfit dwellings and the procedures for corrections. If the repair, alteration or improvement of the dwelling can be made at a cost of less than two hundred percent of the assessed value of the dwelling, the property owner may be ordered to repair, alter or improve the dwelling within a specified time to render it fit for habitation; or the owner may be ordered to vacate the dwelling. If the cost for the repair, alteration or improvement of the dwelling would be more than two hundred percent of the assessed value, the property can be declared unfit for habitation and the owner can be ordered to vacate.

Chairman Hentzen asked for the assessed property value. Ms. Legge told the Board that the assessed property value was recorded as \$7,441. The Board Members agreed that the necessary repairs, alterations or improvements would be more than two hundred percent of the assessed value of the property.

Board Member Coonrod made a motion that the property owner be ordered to vacate and begin demolition of the property within thirty day as in accordance with Section 20.04.180(3)(b) of the Housing Code s. Board Member Harder seconded the motion. The motion was approved.

2. 1823 E. McFarland

No one was present to represent this property.

An active housing case was initiated on this property in February of 2006. Several violation notices have been issued on this property. On August 27, 2009, OCI staff accompanied Wichita Police Officers on a call to the property to

check the welfare of the occupant, who is not the owner. OCI found a number of interior violations, including the crawl space and the floor of the attached garage covered with sewage. The 2009 taxes are due in the amount of \$208.78; there is a 2009 Special Assessment for weed mowing in the amount of \$124.45. The composition roof is badly worn and leaking; water-damaged ceilings and walls; exposed ceiling joists and roof rafters; rotted wood framing and trim; improperly vented water heater; exposed defective electrical wiring; open sewer line; inadequate plumbing; and unsanitary living conditions. The assessed value of the property is \$5,100.

Board Member Coonrod made a motion to declare the property unfit for habitation with an order for the property to be vacated within thirty days as in accordance with Section 20.04.180(3)(b) of the Housing Code. Board Member Murabito seconded the motion. The motion carried.

Final consideration of the 2009 IBC proposed amendment package.

Mr. Schroeder briefly recapped the previous presentations of the 2009 IBC proposed amendment package. He reminded the Board that the committee reviewing the 2009 IBC met at least a dozen times; and the 2009 IRC was reviewed by a committee that met approximately eighteen times. Each committee was comprised of industry representatives, as well as building code enforcement representatives. He told the Board that the final proposed ordinance would be presented in hopes of garnering a recommendation of approval from the Board.

Updating the Board on the changes since the December 2009 presentation, Mr. Stubbs began with the Administrative section of the 2009 IBC, Chapter One; the language was changed to clarify the expiration process of permits and how to reinstate an expired permit. The language was revised to match the 2009 IRC.

Additionally, the items exempt from permits were modified to specify that curb ramps do not require permits; also the need for permits for window replacement was clarified to exclude the replacement of same size or smaller windows.

Chairman Hentzen inquired whether there was a method of notifying contractors when permits were about to expire. Mr. Schroeder explained the current procedures for notification and the anticipated enhancements with the new permitting software purchased by Central Inspection.

Chapter Nine included a change that requires a residential grade sprinkler system for four-unit dwellings or triplexes rather than commercial grade. Other options would allow rated-wall assemblies to eliminate the sprinkler requirement for three- or four-unit dwellings.

The changes in Chapter Eleven relate to accessibility. Clarification of the language specifies that a requirement for handicap seating at a bar is based upon whether food is served at the location.

For Chapter Seventeen, modification of the verbiage regarding special inspections allows for the registered design professional for the project to serve as the special inspector. With the proposed amendment, the size and/or height of the building would trigger the requirement for a special inspector, rather than the building classification.

The proposed amendments for schools and daycare facilities were removed from the packet, deferring to the State requirements.

Mr. Hays apprised the Board of the revisions to Table A (fees schedule). Language in the body of the document that had previously been omitted in error was restored; fees for grading permits were rounded to the nearest whole dollar amount; and some of the miscellaneous permit fees were adjusted to reflect the actual costs to the City for issuance and to perform inspections. The fees are reviewed quarterly to determine if adjustments are necessary.

Chairman Hentzen asked from what source the fee tables were acquired. Mr. Hays explained that they are in Title 18 of the Code of the City of Wichita. Chairman Hentzen inquired how the City of Wichita's fees compared to those of other cities. Mr. Schroeder responded that the City of Wichita's fees were similar, and in many cases less than other jurisdictions. Mr. Hays noted that the changes were in line with the prior code. Mr. Stubbs informed the Board of his research of comparable cities, reporting that the City of Wichita has always been on the low end of the pricing spectrum. In many instances, other jurisdictions commonly charge fees for services that the City of Wichita provides at no charge.

Mr. Schroeder assured the Board that the proposed fee structure was not an increase in fees as currently charged, but a formal action to codify the fee schedule.

Overview of major changes from the 2006 IFC to the 2009 IFC and discussion of the proposed amendment package.

Mr. Schroeder introduced Fire Chief Ron Blackwell and Fire Marshal Brad Crisp to the Board. Mr. Schroeder said that as the review of the 2009 IFC was in progress, Fire Marshal Crisp was in close contact with Ms. Hultman, Mr. Hays, and Mr. Stubbs in an effort to be certain where items in the 2009 editions of the IRC, IBC, and IFC, were similar, all codes and proposed amendments meshed appropriately to avoid confusion.

Fire Marshal Crisp distributed copies of his summary of the major changes in the 2009 IFC. Fire Marshal Crisp reported that there was a total of forty changes; however, there were only eight significant changes.

IFC 105.1.1.1 Permit Fees – This change increases the permit fee, if required, from \$40.00 to \$65.00. The Fire Department has not used a permit fee since 2000, when fees were suspended. There has been discussion regarding the possibility of reinstating permit fees and the amount of those fees if they are reinstated in the future, although they currently remain suspended.

IFC Section 307.4 Location – This section refers to the location for the issuance of a burn permit. The current requirement for the issuance of a burn permit is 1,000 feet in any direction. With the proposed amendment, the use of an incinerator or air curtain destructor will allow the distance to be reduced to 300 feet.

IFC Section 903.2.7 Group M – This proposed amendment strikes the sprinkler systems requirement for areas used for the display and sale of upholstered furniture unless the fire area exceeds 12,000 square feet.

IFC Section 903.2.8 Group R Fire areas – Strike the requirement for residential sprinkler systems for Group R3 (one- and two-family dwellings), leaving this open for future consideration; however, the Fire Department does propose leaving the requirements for R1, R2 and R4 sprinkler systems.

IFC Section 910.2.1 Group F1 or S1 – Areas separated by non-combustible partitions so that no area exceeds 50,000 square feet would not be required to be sprinklered if openings are automatic and self-closing.

IFC Section 3301.2 Permit required – Proposed change would increase the permit fee for public display of fireworks from \$50.00 per event to \$500.00 per event. The permit would include the permit review, site inspection, and stand-by fire personnel required by code to be present during the fireworks shoot.

IFC Section 3804.2 Maximum capacity within established limits – This proposed amendment would reduce the amount of LP gas allowed in heavily populated or congested areas from 2,000 water gallons to of 100 water gallons, allowing the Fire Department to grant approval for exceptions.

Board Member Crotts asked Fire Marshal Crisp how “heavily populated” is defined. Fire Marshal Crisp replied that the formula is in the NFPA, although he did not have the exact verbiage with him.

Fire Marshal Crisp told the Board the Fire Department was also interested in adopting Appendices B through J. The appendices have been used as reference for at least twenty years; however, these appendices had inadvertently been left out of the previous adoption cycles. No changes are proposed.

Final consideration of the 2009 IRC proposed amendment package.

Copies of the proposed amendments were distributed to the Board. Mr. Richard Meier recapped the proposed 2009 IRC amendment package.

Section 18.51.128

The definition for "firewall" would be added to Chapter Two. The proposed amendment would allow use of a firewall as defined in Chapter Two in lieu of the sprinkler requirement for one- and two-family dwellings.

Section 18.51.165

The proposed amendment would allow townhouses to be separated by fire-resistive assemblies, or a common one-hour fire-barrier wall with a sprinkler system, or a common two-hour firewall without a sprinkler system.

Townhouses are defined as three or more connected units that are one-family dwellings, open on two sides, from ground floor to top level being one unit.

The main distinction between an independent firewall assemblies and a common two-hour fire-barrier wall is the two-hour wall cannot have plumbing runs, vents, mechanical ductwork, or electrical panels within it. An independent one-hour separation firewall will remain structurally standing even if either of the units is destroyed or removed. Either type of firewall can be constructed on a common foundation, which is a cost savings to the contractor. Ms. Hultman added that a handout, showing approved firewall designs, would be available to contractors for reference if the 2009 IRC were adopted by the City Council. The premise behind the two-hour common firewall is that the City of Wichita has fire stations within close range to every part of the municipality, providing adequate fire protection. The Fire Department response time would be rapid enough to prevent the spread of fire with a two-hour common firewall.

Mr. Schroeder emphasized that in the 2009 IRC, Section 37.7, the requirement for fire sprinklers in one- and two-family dwellings would be deleted. Mr. Meier added that anyone choosing to install a fire sprinkler system in a one- or two-family dwelling could do so at a much lower cost because it could be installed with a domestic water line.

Chairman Hentzen asked if there were any additional changes in the amendment package. Ms. Hultman said there were no other changes. She told the Board that there were several advantages to the adoption of the 2009 IRC and proposed amendment package.

The deck standards in the 2009 IRC were deleted because they were unnecessarily restrictive. In lieu of the requirements in the 2009 IRC, Ms. Hultman said the proposed amendment would adopt a Deck Standard, developed by a committee of OCI staff, representatives from the Wichita Area Builders Association, and structural engineers.

The Basement Standards, currently used by the City of Wichita, would be included as an option in the code.

A new section in the code would permit the use of FEMA specifications for storm shelters. An addition to the code would provide anchoring standards for accessory structures.

Fire blocking requirements would be consolidated into one section, Chapter Three, of the code.

The requirement for wood framing studs to go from the sill plate to the top plate of a structure would be deleted, as well as the wind resistance requirement for siding.

The section covering the safety-glazing of glass in hazardous locations would be clarified to specify the required distance by measurement.

In the roofing section, the current standard for use of a roof drip edge was clarified.

In Appendix J, which covers existing buildings, a preliminary review would be made available, not mandatory, to allow contractors to consult with OCI inspection staff to help in cost reductions on remodel of existing one- and two-family dwellings. Appendix J would allow for code compliance in existing dwellings without the burden of meeting the code requirements for new construction.

Board Member Coonrod stated that the language deleting the requirement for fire sprinkler systems and then adding the requirements for the type of fire sprinkler systems, in the event that they are used, was confusing. He suggested that the verbiage be reworded to make it clear that the requirement for the type of fire sprinkler system was only

pertinent if the option to install the fire sprinkler system was chosen. Mr. Schroeder responded that the necessary language would be added to make the clarification.

Mr. Wess Galyon, President of the Wichita Area Builders Association, asked to address the Board regarding the proposed adoption of the 2009 IRC, 2009 IBC and 2009 IFC. Mr. Galyon began by telling the Board that representatives of the Wichita Area Builders Association participated in the review of the 2009 IRC and the 2009 IBC. He said, in his opinion, the general consensus seemed to be that the difference between the 2006 IRC and the 2009 IRC, except for the fire sprinkler requirements that had been added to the 2009 IRC, was minimal. The overriding issue regarding the adoption of the 2009 IRC was the builders' concern over the requirement for fire sprinkler systems for one- and two-family dwellings. After contacting surrounding jurisdictions regarding their intent to adopt the 2009 IRC, Mr. Galyon said the information he received indicated that most of those jurisdictions intended to remain with the 2006 IRC until the new code cycle. At that time, those jurisdictions would review the newest version of the code. Sedgwick County was one of the jurisdictions contacted; several small cities in Sedgwick County will follow the decision of Sedgwick County since the county provides building code enforcement for those areas.

One of the determining factors for remaining under the 2006 IRC, Mr. Galyon explained, was the requirement for fire sprinkler systems for one- and two- family dwellings in the 2009 IRC. In the event those jurisdictions decided to adopt the 2009 IRC, the code would be amended to delete the fire sprinkler requirement for one- and two-family dwellings. Also, to prevent added uncertainty to the building industry in a time of economic difficulty, maintaining status quo seemed to be the best course of action.

Mr. Galyon expressed the opinion that members of the Builders Association, along with many of the surrounding jurisdictions, wished to remain under the 2006 IRC, rather than adopt the 2009 IRC with amendments.

Mr. Schroeder reminded the Board that a handout outlining the advantages of adopting the 2009 IBC, including cost savings benefits to property owners and building contractors. Waiting for a long period of time to adopt newer versions of the codes can make it very difficult to flesh out the changes between code cycles. Out of state designers normally design to the most current code version; another issue to consider is having the trade codes mesh with the building codes, and the best assurance of that is to adopt codes from the same cycle. The exception is the IEC (International Electrical Code), which is on a different code cycle. The plumbing trade board has been directed to move forward with a review of the 2009 UPC and 2009 IPC and support one of those codes. The State of Kansas Department of Education requires that all school projects be designed and built under IPC (International Plumbing Code).

Board Member Coonrod made a motion that the recommendation for adoption of the 2009 IBC be tabled until the March 1, 2010, meeting. Board Member Harder seconded the motion. The motion carried.

Board Member Coonrod made a motion that the recommendation for adoption of the 2009 IFC be tabled until the March 1, 2010, meeting. Board Member Harder seconded the motion. The motion was approved.

Board Member Harder made a motion to decline recommending adoption of the 2009 IRC and to remain under the 2006 IRC version. Board Member Coonrod seconded the motion. The motion carried. (Board Member Murabito abstained from voting.)

With no other business to conduct, Board Member Crotts made a motion to adjourn the meeting. Board Member Harder seconded the motion. The motion carried.

The meeting adjourned at 3:48 p.m.